

FULWIDER • PATTON

FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CALIFORNIA 90045
(310) 824-5555 • (310) 824-9696 FAX

FACSIMILE TRANSMISSION

Date: December 17, 2004

Telephone

Facsimile

571-272-3684

571-273-3684

To: Ronald D. Hartman, Jr.
USPTO

CONFIDENTIALITY NOTICE

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF ORIGINAL DOCUMENTS TO US.

From: John K. Fitzgerald

Client/Matter: IVACP-65055

Re: Application No. 10/622,983
Inventor: Joseph J. Engleson
Filed: 7/18/2003

Number of pages (Incl. this page):

If You Do Not Receive All Pages, Please Call Monica Mandel at (310) 824-5555, Ext. 715

☐ Original to follow

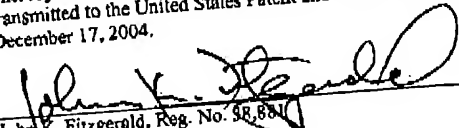
☒ Original will NOT follow

COMMENTS/MESSAGE:

Please see attached.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 17, 2004.


John K. Fitzgerald, Reg. No. 58,864

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/622,983
Applicant : Joseph J. Engleson
Filed : 07/18/2003
Art Unit : 2121
Examiner : Ronald D. Hartman, Jr.

Docket No.: : IVACP-65055
Customer No. : 24201

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF AUTHORITY

Dear Sir:

This Statement is responsive to a telephonic request by the Examiner for clarification of the authorization of Stephanie Kroon, Senior Counsel for ALARIS Medical Systems, Inc. to sign the Terminal Disclaimer filed with the Office in the pending application on November 23, 2004.

Enclosed herewith is the cover page, and page 5 of the Minutes of the Joint Annual Meeting of the Board of Directors of ALARIS MEDICAL, INC. and ALARIS MEDICAL SYSTEMS, INC. of May 22, 2002 ("the Minutes") which specifically authorizes Ms. Kroon, as an attorney employed by the Companies, to execute documents such as a Terminal Disclaimer on behalf of the Companies. Confidential information

having no bearing on the authority vested in Ms. Kroon to execute documents on behalf of the Companies has been redacted from the Minutes.

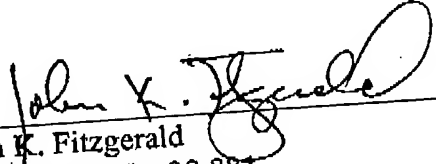
Applicants respectfully submit that the Terminal Disclaimer filed on November 23, 2004 is thus proper.

Should the Examiner have any questions concerning the above Statement, or any suggestions for placing the application in condition for allowance, Applicants request that the Examiner contact Applicant's attorney, John Fitzgerald, at 310-242-2667.

Please charge any additional fees payable in connection with this Statement to our Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John K. Fitzgerald
Registration No. 38,881

JKF:vmm

Enclosure

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
74546.1

CONFIDENTIAL

MINUTES OF THE JOINT ANNUAL MEETING OF THE BOARD OF DIRECTORS
of
ALARIS MEDICAL, INC.
and
ALARIS MEDICAL SYSTEMS, INC.

May 22, 2002

The joint annual meeting of the Board of Directors of ALARIS Medical, Inc. ("AM") and ALARIS Medical Systems, Inc. ("AMS") (respectively, the "AM Board" and "AMS Board"; collectively, the "Board") was held at the Harvard Club, New York, New York on May 22, 2002, beginning at 11 am.

The following directors of AM and AMS (collectively, the "Companies") were present:

Norman Dean, Chair
Hank Brown
Henry Green
David Schlottbeck
Barry Shalov
William Tumber

REDACTED

Mr. Dean served as Chair of the meeting and Stuart Rickerson served as Secretary of the meeting. The Chair called the meeting to order and announced that a quorum of directors was present and the meeting, having been duly convened, was ready to proceed with business.

REDACTED

7. DELEGATION OF AUTHORITY REGARDING INTELLECTUAL PROPERTY

After discussion, upon motion duly made and seconded, the Board unanimously approved the following resolutions:

RESOLVED, that any attorney then employed by the Companies, including, without limitation, its General Counsel, Assistant General Counsel or Intellectual Property Attorney be, and they hereby are, authorized, empowered and directed, on behalf the Companies and their subsidiaries and affiliated companies, to execute the following documents:

- Powers of Attorney, Certificates of merger, Certificates of name change and/or Authorizations of agent for domestic and foreign patent, trademark, copyright and other intellectual property matters;
- Requests for entry into national phase/stage for patent applications;
- U.S. and foreign trademark applications;
- Patent Convention Treaty powers of attorney and general powers of attorney;
- Declarations that title to patents, trademarks, copyrights, and other intellectual properties are held by the Companies;
- Declarations attesting to an ownership interest in patent, trademark, copyright and other intellectual property applications;
- Petitions and requests in the U.S. Patent and Trademark Office, U.S. Copyright Office and foreign patent, trademark and copyright offices to establish or preserve rights to patent, trademark, copyright, and other intellectual property applications, and issued patents, registered trademarks, and copyrights in the Companies; and
- Any other documents to be filed or recorded in the U.S. or foreign patent trademark and copyright offices to establish, preserve or maintain the patent, trademark copyright or other intellectual property rights of the Companies.

REDACTED